

## SECTION VI. APPENDIX

### FREQUENTLY ASKED QUESTIONS

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#### **What is the difference between a Local Historic District and being listed in the National Register of Historic Places?**

A Local Historic District (LHD) is established and maintained by a local community to preserve the unique characteristics of structures and their surroundings. The LHD operates under Massachusetts General Laws Chapter 40 C, a state enabling legislation that provides for review of exterior changes by a local commission. The National Register of Historic Places lists individual buildings, structures and districts important in American history, culture, architecture, or archeology. It is a federal designation and is administered by the Secretary of the Interior through the Massachusetts Historical Commission. National Register listing provides limited protection from adverse effects by federally funded, licensed, or assisted programs.

#### **Is my property located within the Historic District and subject to these Guidelines?**

A map delineating the boundaries of the district is included in the Appendix. If you have difficulty using this map to determine whether your property is in the district please contact commission staff. All properties within the boundary are subject to review under these Guidelines.

#### **My building isn't that old; doesn't this mean that exterior changes need not be reviewed by the NBHC?**

No. All structures within the Historic District are subject to the review process, and a building need not be "old" to be significant or to have an impact upon the character of the area in which it is located, and the Historic District as a whole.

#### **How long will the approval process take?**

The approval process can take as little as three weeks and up to six weeks or more, depending on the timing of the application. Most applications require a 14 day advance notice to abutters before the monthly public hearing.

#### **What is required to complete the application?**

Application must include complete supporting materials such as photographs, drawings in plan and in elevation, a site map, sample materials and/or literature about any proprietary products proposed for use. The commission staff is ready to assist in the application process.

#### **If my application is refused, what recourse do I have?**

The majority of applications that come before the NBHC are approved. However, if your application is denied, there are two options open to you. First, you may revise your plans and submit a new proposal that conforms to these Guidelines and meets the concerns of the NBHC. Or, you may appeal to the Superior Court of Bristol County.

#### **What color may I paint my property?**

Property owners may retain an existing color, keeping in mind it may be inappropriate to the period of the building; or they may seek approval of a new color selected from the palette of historical colors developed by the New Bedford Preservation Coalition. The Commission is available on an informal basis to discuss period colors or advise on possible color choices.

#### **Is there funding available to help me maintain my historic property?**

The City of New Bedford does not provide funding to property owners for the maintenance of historic properties. From time to time public funds are available through the Massachusetts Historical Commission. For more information visit: <http://www.sec.state.ma.us/mhc/>

The City's Office of Housing and Community Development offers a [Storefront Reimbursement Program](#) which provides financial assistance, up to \$2000.00 for necessary rehabilitation/restoration of commercial storefronts.

# SECTION VI. APPENDIX

## HISTORIC PAINT COLORS

### HISTORIC PAINT COLORS FOR EXTERIORS

Below is a list of appropriate colors for period houses in Massachusetts.

Any combination of body, trim, and accent colors may be used.

Prepared by Fannin/Lehner

Architectural Style	Body Color	Trim Color	Door/Accent	Window Sash
<p><b>Federal</b> (1780-1820)</p> <p><small>Greens, pumpkins, sage greens and muted blues characterized the style.</small></p>	Brick Red Off-White Pale Yellow Ochre Orange Soft Beige Pale Green Medium Gray Medium Blue	White Buff Medium Blue Pale Yellow	Black Natural Brown Red Green	Same as Trim/ Window Frames
<p><b>Greek Revival</b> (1820-1860)</p> <p><small>These buildings are invariably painted white (which were intended to suggest the marble temples of Ancient Greece and were more of an off-white). Accent colors were rarely used but could include black, dark greens and gold.</small></p>	Off-White Buff Pale Yellow Green-Gray Blue-Gray Pale Gray Gray Gray-Brown Tan Ochre Buff Pale Yellow Green-Gray Blue-Gray Pale Gray Gray Gray-Brown Tan	Olive Green Gray-Blue Dark Green Green-Black Buff White Black Light Gray Off-White	Dark Green Black Gold Medium Blue	Black Dark Green
<p><b>Gothic Revival</b> (1830-1860)</p> <p><small>Trim is always differentiated from the body (dapboard) surfaces but it is never painted white. Two related colors should be used. Colors were soft, quiet, neutral - natural colors - that blends the home into its surroundings were often used. Whites, yellows, reds, blues, and blacks should be avoided. Darker colors for large houses or exposed locations and lighter shades for smaller, more concealed houses were common. Shutters were painted in a darker shade of the trim or the darkest green.</small></p>	Shades of Grays Drab or Fawn Straw/Sand Light Ochre Chocolate Buff Brick Pink Mustard Straw-Sand	Several Shades Darker than Body Color When Light <i>Several Shades</i> Lighter than Body When Dark Red Dark Gray Dark Green- Brown	Unpainted Wood Oak	Same as Trim/Window Frames Very Dark Shutter Green Black

# SECTION VI. APPENDIX

## HISTORIC PAINT COLORS

Architectural Style	Body Color	Trim Color	Door/Accent	Window Sash
<b>Italianate</b> <b>(1840-1880)</b> <small>Trim is always differentiated from the body (dabboard) surfaces but it is never painted white. Two related colors should be used.</small>	Light Ochre Deep Ochre Olive-Brown Olive-Gray Light Buff Gold Gray Yellow-Gray Rose Beige	Olive-Gray Light Ochre Olive-Brown Blue-Gray Light Cream Green Taupe Brown-Gray Light Gray Putty	Match Trim Red-Brown	Same Colors as Trim Black
<b>Stick Style</b> <b>(1850-1890)</b> <small>Trim must be differentiated from body.</small>	Dark Green Olive Dark Gray-Green	Yellow Dark Red Light Gray-Green	Dark Green Dark Brown Deep Red Maroon Black	Black Very Dark Green Dark Red Reddish or Chocolate Brown Dark Olive
<b>Second Empire</b> <b>(1860-1890)</b> <small>Two shades of the same color for body and trim. In such cases, if the body is light, the trim is a darker shade and if the body is dark, the trim is a lighter shade. Paints in contrasting colors can be used.</small>	Gray Tan Ochre Warm Beige Gray-Green Sage Green Buff Red-Brown Olive Brown Gray	Dark Brown Dark Red Buff Tan Light Gray-Green Deep Green Light Cream	Straw Red Dark Green Light Brown	Black Very Dark Green
<b>Queen Anne</b> <b>(1880-1900)</b> <small>Queen Anne houses were often painted in one or two body colors with a coordinating trim color and an accent color. They should not be painted entirely in light color schemes.</small>	Brown Gold/Yellow Gray-Green Shades of Olive Warm Gray Maroon Tan	Dark Brown Gold Buff Light Cream Green Dark Gray Deep Cream	Match Trim Black Red-Brown Deep Green	Darkest color on the house. Never light. Black Very Dark Green Red/Chocolate Brown Dark Red Blackish Brown Dark Olive
<b>Colonial Revival</b> <b>(1900-1940)</b>	Ochre Yellow Tan Gray Gray-Blue Gray-Green	Always Cream or Off-White		Same as the Trim (Early transitional style houses may be painted black or very dark green.)

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Preservation Briefs are available through the National Park Service website at  
<http://www.nps.gov/history/hps/TPS/topics/index.htm>

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**This informational guide was produced by the  
New Bedford Preservation Coalition**

Fort Taber/Fort Rodman Historical Association • New Bedford Historical Commission  
New Bedford Historical Society • New Bedford Preservation Society • City of New Bedford •  
New Bedford Whaling National Historical Park • Rotch-Jones-Duff House & Garden Museum • WHALE



## SECTION VI. APPENDIX

### ARCHITECTURAL DEFINITIONS

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**Architrave:** The lowest of the three divisions of a classical entablature, the main beam spanning from column to column, resting directly on the column capitals.

**Baluster:** One of a number of short vertical members used to support a stair railing.

**Balustrade:** An entire railing system, as along the edge of a balcony, including a top rail, bottom rail and balusters.

**Bargeboard:** A trim board used on the edge of gables where the roof extends over the wall; it either covers the rafter or occupies the place of a rafter.

**Bay:** A principal compartment or division in the architectural arrangement of a building, marked by repeated spatial units that separate it into corresponding portions.

**Bracket:** A projection from a vertical surface providing structural or visual support to any overhanging architectural element above.

**Capital:** The upper member of a column, pillar, pier or pilaster, crowning the shaft. The classical orders each have their own distinctive representative capitals.

**Casement:** A ventilating window sash, fixed at the side of the opening, which swings open on hinges.

**Clapboard:** One of a series of overlapping boards to cover exterior walls.

**Cornice:** The upper projecting section of an entablature or the projecting ornamentation at the top of a building or wall.

**Contextual:** Emphasizing the importance of studying a site's surrounding development patterns for cues when determining a building's siting, scale, massing, materials and hierarchies.

**Dentils:** A series of closely spaced rectangular blocks resembling teeth, most often found immediately below the cornice.

**Double-hung sash window:** A window having one upper and one lower vertically sliding sash.

**Eave:** The projecting overhang at the lower edge of a roof that sheds rain water.

**Entablature:** The superstructure composed of the architrave immediately above the columns, a central frieze, and upper projecting cornice, consisting of a series of moldings.

**Façade:** The main exterior face of a building.

**Fenestration:** The design and placement of windows and other openings in a wall.

**Flutes:** A series of grooves that are usually semicircular and used decoratively such as along the shaft of a column.

**Form:** The contour and shape of building as distinguished from its materials.

**Frieze:** An elevated horizontal band or panel that is usually located below the cornice of an entablature.

**Gable:** The entire triangular end of a wall above the eaves.

**Hipped roof:** A roof which slopes upward from all four sides requiring a hip rafter at each corner.

**Lintel:** The horizontal beam that forms the upper structural member of a window or door opening.

**Mansard roof:** A roof with a steep lower slope and a much flatter upper slope on all sides.

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**Mass:** The physical volume or bulk of a building or object.

**Molding:** A continuous decorative band such as at the base of a wall or at a window or door surround.

**Mullion:** A vertical member separating individual windows set in a series.

**Muntin:** A secondary framing member to hold individual panes of glass in a window or door.

**Newell:** A tall post at the head or foot of a stair which supports the handrail.

**Pediment:** A low-pitched triangular gable above a façade, doorway or window.

**Pilaster:** A pier or column embedded in a wall, often with a base, shaft and capital.

**Pointing:** The hand-tooled mortar between stones or brick.

**Quion:** One of a series of alternating sized stones or bricks used to visually reinforce exterior corners of a building.

**Sash:** A window section formed with a glazed frame that slides up and down in vertical grooves by means of counterbalanced weight.

**Scale:** The size relationship of one part of a building to its whole or an entire building to its surroundings.

**Shed dormer:** A dormer with an eave parallel to the eave of the main roof and with a flat outward sloping roof plane.

**Sill:** The horizontal member at the bottom of a window or door opening.

**Storefront:** Ground level display window assemblies often with a recessed entrance.

**Transom:** A window opening above a door or primary window.

Definitions adapted in part from *Illustrated Dictionary of Architecture, Second Edition*, Ernest Burden, 2002, McGraw-Hill, NY, NY.

## SECTION VI. APPENDIX

### BEDFORD-LANDING WATERFRONT HISTORIC DISTRICT RULES & REGULATIONS

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Bedford-Landing Waterfront Historic District Bylaw

#### **ARTICLE XI. NEW BEDFORD HISTORICAL COMMISSION; HISTORIC DISTRICTS\*** **Sec. 2-150. Establishment; membership.**

There is hereby established under the historic districts act, Massachusetts General Laws, Chapter 40C, with all the powers and duties of an historic district commission, a New Bedford Historical Commission, consisting of seven (7) members to be appointed by the mayor with the approval of the city council, including one member or representative where possible of the city planning department, one member or representative where possible of the National Park Service, two (2) members where possible from nominees submitted by the New Bedford Port Society, the Old Dartmouth Historical Society, the Waterfront Historic Area League, the New Bedford Historical Society and any other recognized local historic societies, one architect where possible from two (2) candidates, one of whom shall be nominated by the chapter of the American Institute of Architects covering New Bedford, and one of whom shall be nominated by the society of landscape architects covering the city, one member where possible from two (2) nominees of the Greater New Bedford Board of Realtors, and one land owner or tenant where possible in the historic districts who should have no connection with any of the above categories. Seven (7) alternate members shall also be appointed by the mayor in like manner. When the commission is first established, two (2) members and alternate members shall be appointed for a term of one year, two (2) shall be appointed for a term of two (2) years, and three (3) shall be appointed for a term of three (3) years, and their successors shall be appointed in like manner for terms of three (3) years. Vacancies shall be filled in like manner for the unexpired term. In the case of any member being unable to attend commission meetings for any reason, that member shall propose an alternate

member for designation by the chairperson. If the alternate member is not proposed at least two (2) days in advance of a scheduled meeting, then the chairperson may choose an alternate. (Code 1963, § 3-3101; Ord. of 6-10-71; Ord of 2-8-01))

**State law reference**—Authority to establish, etc., M.G.L.A. C 40, § 8D. Said section was accepted by the city.

#### **Sec. 2-151. Adoption of rules and regulations.**

The commission shall adopt rules and regulations for the conduct of its business, not inconsistent with the provisions of the historic districts act or this article. (Code 1963, § 3 3107; Ord. of 6-10-71)

#### **Sec. 2-152. Powers and duties.**

The commission shall have, in addition to the powers and duties of a historical district commission as delineated in Chapter 40, section 8D of the Massachusetts General Laws, and the following further powers and duties, subject to appropriations or receipt of money gifts, and may in the exercise of any of its powers or duties accept and expend such gifts and employ clerical.

**\*Cross reference**—Committee on historical objects and tourism, § 2-68. and technical assistants, or consultants:

- (1) To conduct a survey of buildings in the city and sites for the purpose of determining those of historic significance architecturally or otherwise. Copies of this continuing survey shall be placed in the hands of the city planning department, the redevelopment authority, the building department, and the public library and periodically updated by the commission;

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(2) To propose from time to time as it deems appropriate the establishment, in accordance with the provisions of the historic districts act, of additional historic districts and changes in historic districts;

(3) To determine an appropriate system of markers for selected historic sites and buildings not already sufficiently marked, to arrange for preparation and installation of such markers, and to arrange for care of historic markers;

(4) To arrange for preparation and publication of maps and brochures and descriptive material about the city historic sites and buildings;

(5) To cooperate with and advise the planning department, the redevelopment authority, the public works department, and other city agencies in matters involving historic sites and buildings;

(6) To cooperate with and enlist assistance for the city from the National Park Service, the National Trust for Historic Preservation, the Society for the Preservation of New England Antiquities, and other agencies, public and private, from time to time concerned with historic sites and buildings;

(7) To advise owners of historic buildings in the city on problems of preservation. (Code 1963, § 3-3103; Ord. of 6-10-71; Ord. of 5-28-81, § 1)

#### **Sec. 2-153. Recommending committees**

The commission may recommend to the mayor from time to time, as needed the appointment of advisory committees of historians and person experienced in architecture or other arts or in historic preservation or restoration, to assist in a manner comparable to the National Park Service Advisory Board or

Consulting Committee. (Code 1963, § 3-3104; Ord of 6-10-71)

#### **Sec. 2-154. Publication of guidelines.**

The commission may formulate and publish guidelines for construction or alteration of buildings or structures or appurtenant fixtures in the areas as defined in section 5 of Chapter 40C of the Massachusetts General Laws. (Code 1963, § 3-3105; Ord of 6-10-71)

#### **Sec. 2-155. Certificate of appropriateness; time for decision.**

When taking action under the provisions of the second paragraph of section 7 of the historic districts act, the commission shall make its determination within forty-five (45) days after the filing of the application for a certificate of appropriateness, or such further time as the applicant may in writing allow. (Code 1963, § 3-3106; Ord of 6-10-71)

**State law reference—**See M.G.L.A. c. 40C, § 11.

#### **Sec. 2-156. Bedford-Landing Historic District established.**

There is hereby established under provisions of the historic districts act, one historic district to be known as Bedford-Landing, bounded and described as shown on the map entitled, "Bedford-Landing — Waterfront Historic District," as amended, attached to and made part of the ordinance from which this section is derived. (Code 1963, § 3-3102; Ord. of 6-10-71; Ord. of 9-13-79; Ord. of 2-8-01)

9. to advise owners of historic buildings in the city on problems of preservation;

## SECTION VI. APPENDIX

### BEDFORD-LANDING WATERFRONT HISTORIC DISTRICT ORDINANCE

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#### **GUIDELINES FOR THE BEDFORD-LANDING -WATERFRONT HISTORIC DISTRICT NEW BEDFORD HISTORICAL COMMISSION BY-LAWS**

Adopted by the Commission July 7, 1976

##### **Article I. Name**

The Commission's name shall be the New Bedford Historical Commission.

##### **Article II. Purpose**

To promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of architecture of New Bedford and through the maintenance and improvement of settings for such buildings and places, and the encouragement of design compatible therewith.

##### **Article III. Powers and Duties**

The New Bedford Historical Commission shall have the following powers and duties, subject to appropriation or receipt of money, gifts, and may in exercise of any of its powers or duties accept and expand such gifts and employ clerical and technical assistants, or consultants:

1. to issue Certificates of Appropriateness, Certificates of Non-Applicability, and Certificates of Hardship without which no building or structure within the Bedford-Landing — Waterfront Historic District shall be constructed or altered in any way that affects exterior architectural features; according to Massachusetts General Laws, Chapter 40C, Section 6;

2. to administer on behalf of the City of New Bedford any properties or easements, restrictions or other interests on real property

which the City may have or may accept, or gifts or otherwise and which the City of New Bedford may designate the Commission as the administrator thereof;

3. to conduct a survey of New Bedford buildings and sites for the purpose of determining those of historic significance architecturally or otherwise. Copies of this continuing survey shall be placed in the hands of the City Planning Department, the Redevelopment Authority, the Building Department, and the Public Library and periodically updated by the Commission;

4. to propose from time to time as the Commission deems appropriate the establishment, in accordance with the provisions of the Historic District Act, Chapter 40C, Section 3, of additional historic districts and changes in historic districts;

5. to determine an appropriate system of markers for selected historic sites and buildings not already sufficiently marked, to arrange for preparation and installation of such markers, and to arrange for maintenance of historic markers;

6. to arrange for preparation and publication of maps and brochures and descriptive material about New Bedford historic sites and buildings;

7. to cooperate with and advise the Planning Department, the Redevelopment Authority, the Public Works Department, and other City agencies in matters involving historic sites and buildings;

8. to cooperate with and enlist assistance for New Bedford from the National Park Service, the National Trust for Historic Preservation, the Society for the Preservation of New England Antiquities, and other agencies, public and private, from time to time concerned with historic sites and buildings;

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10. to recommend to the Mayor from time to time, as needed the appointment of advisory committees of historians and persons experienced in architecture or other arts or in historic preservation or restoration;

11. to formulate and publish guidelines for construction or alterations of buildings or structures or appurtenant fixtures in the New Bedford-Landing — Waterfront Historic District;

12. such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of New Bedford City Council.

#### **Article IV. Membership**

##### *Composition*

The New Bedford Historical Commission shall consist of seven (7) members and seven (7) alternates appointed by the Mayor and confirmed by the City Council. Commission membership shall include where possible (a) one representative and alternate from the New Bedford Planning Department; (b) one (1) representative and alternate from the National Park Service; (c) two (2) members and two (2) alternates from nominees of recognized local historical societies including the New Bedford Port Society, the Old Dartmouth Historical Society and the Waterfront Historic Area League; (d) one (1) architect and alternate from two (2) candidates, one (1) nominated by the American Institute of Architects covering New Bedford and one (1) nominated by the Society of Landscape Architects covering New Bedford; (e) one (1) member and alternate from two (2) nominees of the Greater New Bedford Board of Realtors; (f) one (1) member and alternate from among the land owners and tenants of the Bedford-Landing — Waterfront Historic District.

##### *Terms*

Membership terms will be three (3) years. Each member and alternate shall continue in office after the expiration of the term until his successor is duly appointed and qualified.

##### *Vacancies*

Vacancies shall be filled by Mayoral appointment and City Council confirmation for the length of the unexpired terms.

##### *Voting Rights*

Voting rights are reserved to the seven (7) primary members of the New Bedford Historical Commission or, in their absence, the alternate selected in the manner prescribed in Article VII. The voting membership shall elect annually a Chairman, Vice-Chairman, and other officers necessary to carry out the duties and responsibilities of the Commission.

##### *Resignation*

Any member or alternate may at any time resign by delivering notice thereof in writing to the Secretary of the Commission. Such resignation shall be effective upon receipt unless a later time is specified therein, and acceptance thereof shall not be necessary to make it effective unless the resignation so states.

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## **Article V. Officers**

### *The Chairman*

The Chairman shall call and preside at all meetings of the Commission and appoint members to all committees and perform all duties incident to his office. He may sign, with any other proper officers of the Commission any deeds, mortgages, bonds, contracts or other instruments which the New Bedford Historical Commission authorized for execution except in cases prohibited by law.

### *Vice-Chairman*

Duties of the Vice-Chairman shall be the same as those of the Chairman in the absence of the Chairman.

### *The Secretary*

The Secretary, who need not be a member of the Commission, shall keep the records, shall file necessary reports, shall send and keep written correspondence of the Commission, give all notices required by the by-laws or by-law and shall perform such other duties as are assigned by the Chairman or by the Commission.

### *Compensation*

No member or alternate of the New Bedford Historical Commission shall be compensated by the Commission for services provided; the Commission may provide reimbursement for expenses and disbursements made on behalf of the Commission.

## **Article VI. Committees**

The New Bedford Historical Commission shall establish such committees as necessary to carry out the Commission's duties and responsibilities. One member of each committee shall be appointed committee

chairman by the Chairman of the Commission. Members of all committees shall abide by all the rules and regulations established by the New Bedford Historical Commission for its own meetings or such other rules as may be prescribed by the Chairman.

## **Article VII. Meetings**

The New Bedford Historical Commission shall hold regular meetings on the first Wednesday of each month. Special meetings of the Commission shall be held as necessary.

### *How Called*

Meetings of the Commission shall be held at the call of the Chairman or shall be called at the written request of two members of the Commission.

### *Quorums and Votes*

A majority of the members of the Commission shall constitute a quorum. Decisions shall be made by a concurring majority of members present.

### *Alternate*

In the case of any member being unable to attend Commission meetings for any reason, that member shall propose an alternate member for designation by the Chairman. If the alternate member is not proposed at least two (2) days in advance of a scheduled meeting, then the Chairman may choose an alternate to substitute for said meeting.

### *Open Meeting and Public Hearings*

All meetings of the New Bedford Historical Commission shall be open to the public. Notice of such meetings will be posted in the office of the New Bedford City Clerk at least two (2)

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working days prior to such meetings. The New Bedford Historical Commission shall hold a public hearing when deciding on Certificates of Appropriateness, Certificates of Non-Applicability, or Certificates of Hardship as prescribed in Article VIII, or other such purpose, as the Commission deems necessary. The Commission shall give notice of such public hearings by (a) posting notification of such hearing in the Office of the New Bedford City Clerk at least fourteen (14) days prior to such hearing; (b) by advertising in the New Bedford Standard Times at least fourteen (14) days before the hearing; (c) by mailing at least fourteen (14) days before the hearing, postage prepaid, a copy of such notification to (1) applicant, (2) to the owners of all adjoining property materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, (3) to the New Bedford Planning Board, (4) to any person filing written request for notice of hearings, such request to be renewed yearly in December, and (5) to such persons as the Commission shall deem entitled to notice.

#### *Executive Session*

The New Bedford Historical Commission reserves the right to enter into executive session in accordance with the Open Meeting Law, excerpt from Chapter 303, Acts of 1975, as may be amended from time to time.

#### *Agenda*

Items other than an application for Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship must be submitted to the Secretary at least five (5) working days before the Commission meeting in order to be placed on the agenda for said meeting. Notification for public hearings shall include that portion of the agenda that deals with application for a Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship.

### **Article VIII . Certificates**

No building or structure within the “Bedford-Landing — Waterfront Historic District” shall be constructed or altered in any way that affects exterior architectural features unless the Commission shall first have issued a Certificate of Non-Applicability, or a Certificate of Hardship, or a Certificate of Appropriateness with respect to such construction or alteration.

#### *Certificate of Non-Applicability*

A Certificate of Non-Applicability shall be issued (a) for proposed construction or alteration of interior arrangements or exterior architectural features not subject to public view; (b) for the ordinary maintenance, repair or replacement of any exterior architectural feature which does not involve a change in design, material, color, or the outward appearance thereof; (c) for landscaping with plants, trees, or shrubs; (d) for the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition; and (e) for construction or alterations conforming to such guidelines as may be established by the New Bedford Historical Commission from time to time. For all of the items listed above, the Commission hereby establishes the following procedures with regard to a Certificate of Non-Applicability. Application for said certificates may be filed during any working day with the Secretary of the Commission. Within one working day of the filing of said application, the Secretary of the Commission shall poll the members of the Commission to obtain their judgment concerning the application. If a majority of the members of the Commission concur with the application, a Certificate of Non-Applicability shall be issued. In cases when there is doubt by a majority of the members of the Commission as to whether a Certificate of Non-Applicability or a Certificate of Appropriateness shall govern, or in cases when a majority of the members of the Commission

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do not concur with the application, the Secretary shall so notify the applicant within one (1) week of the time of the filing of the application and the application shall be brought before the next regular meeting of the Historical Commission.

#### *Certificate of Hardship*

A Certificate of Hardship shall be issued when (a) owing to conditions especially affecting the building or structure involved, but not affecting the historic district generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and when approval will not cause substantial detriment to the public welfare nor cause substantial derogation from the intent and purposes of this chapter; and (b) when the Commission fails to make a determination on an application within sixty (60) days after the filing of such application.

#### *Certificate of Appropriateness*

A Certificate of Appropriateness shall be issued when the Commission determines that the construction or alteration for which a Certificate of Appropriateness has been filed will be appropriate or compatible with the preservation or protection of the historic district.

#### *Disapproval of an Application*

In the case of a disapproval of an application the Commission shall record the reasons for such determination and shall notify the applicant of its determination and the reasons therefore.

#### *Recommendations*

The Commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material, and similar features. Prior to the issuance of any disapproval the Commission

may notify the applicant of its proposed action accompanied by recommendations of change in the applicant's proposal, which would make the application acceptable.

#### *Modification and Application*

If within fourteen (14) days of the receipt of such notice the applicant filed a written modification of his application in conformity with the commended changes, the Commission shall issue a Certificate of Appropriateness.

#### *Determination of Applications*

The Commission shall determine within fourteen (14) days after the filing of an application for a Certificate of Appropriateness, Non-Applicability, or Hardship whether the application involves exterior architectural features that are subject to approval by the Commission.

If affirmative, the commission shall hold a public hearing on the application unless such hearing is dispensed with as provided in the following section entitled "Waiver of Public Hearing." The Commission shall fix a reasonable time for the hearing on an application and shall give public notice of the time, place and purpose thereof at least fourteen (14) days before said hearing as prescribed in Article VII, section entitled "Open Meetings and Public Hearing." Each applicant whose application shall require a public hearing with advertisement in the Standard Times shall be required to submit to the Commission a fee of twenty-five (\$25.00) dollars per application to defray the cost of advertising.

#### *Waiver of Public Hearing*

A public hearing need not be held if (a) such hearing is waived in writing by all persons entitled to notice thereof as prescribed in Article VII or (b) the Commission determines that the exterior architectural feature involved,

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or its color or category, is insubstantial in its effect on the Historic District. If the Commission waives the public hearing, notice of the application must be sent to the owners of adjoining property and other property deemed by the Commission to be materially affected; and ten (10) days shall elapse after the mailing of such notice before the Commission may act on such application.

#### *Validation of Certificates*

Each certificate issued by the New Bedford Historical Commission shall be dated and signed by its Chairman or other such person designated by the Commission to sign such certificates on its behalf. The Commission shall file with the New Bedford City Clerk and with the New Bedford Building Department, a copy or notice of all certificates and determinations of disapproval issued by it.

#### *Appeal*

Any applicant aggrieved by a determination of the Commission may, within twenty (20) days after the filing of the notice of such determination with the New Bedford City Clerk, appeal to the Superior Court of Bristol County.

#### *Violations and Penalties*

The Bristol County Superior Court shall have jurisdiction to enforce the provisions of Chapter 40C of the Massachusetts Legal Code, local ordinances enacted thereunder, and determinations, rulings, and regulations of the New Bedford Historical Commission and may, upon petition of the Mayor of New Bedford, the New Bedford City Council, or the New Bedford Historical Commission, restrain by injunction violations thereof; and, without limitation, the Court may order the removal of any building, structure or exterior architectural feature constructed in violation thereof, or the substantial restoration of any building structures or exterior architectural feature altered or demolished in violation thereof, and

may issue such other orders for relief as may be equitable. Violators shall be punished by a fine of not less than ten (\$10.00) dollars nor more than five hundred (\$500.00) dollars. Each day during any portion of which a violation continues to exist shall constitute a separate offense.

#### **Article IX. Definitions**

For the purpose of these by-laws, the following definitions shall apply:

- 1) the word "altered" shall be defined so as to include the words "rebuilt", "reconstructed", "restored", "removed", and "demolished" and the phrase "changed in exterior color";
- 2) the word "building" shall be defined to mean a combination of materials forming a shelter for persons, animals, or property;
- 3) the word "commission" shall be defined to mean the commission acting as the historic district commission;
- 4) the word "constructed" shall be defined to include the words "built", "erected", "installed", "enlarged", and "moved";
- 5) the words "exterior architectural feature" shall be defined to mean such portion of the exterior of a building or structure as is open to view from a public street, public way, public park or public body of water, including but not limited to the architectural style and general arrangement and setting thereof, the kind, color and texture of exterior building materials, the color of paint or other materials applied to exterior surfaces and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures;
- 6) the word "structure" shall be defined to mean a combination of materials other than a building, including a sign, fence, wall, terrace, walk or driveway.

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## **Article X. Parliamentary Authority**

Meetings of the New Bedford Historical Commission shall be conducted in accordance with the latest editions of *Robert's Rules of Order*.

## **Article XI.**

No article or section of these by-laws shall be interpreted so as to be inconsistent with the provisions of the Historic District Act, Chapter 40C, Massachusetts General Laws, or with the provisions of the City of New Bedford Ordinance Establishing a New Bedford Historical Commission.

## **Article XII. Severability**

The provisions of these by-laws shall be deemed to be severable; if any of its provisions shall be held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

## **Amendments to the By-Laws**

1. Adopted November 3, 1976 — Article VIII, Determination of Application, shall have the following paragraph added: Each applicant whose application shall require a public hearing with advertisement in the Standard Times shall be required to submit to the Commission a fee of ten (\$10.00) dollars per application to defray the cost of advertising.

2. Adopted March 18, 1977 — Article VIII, Certificate of Non-Applicability, shall have the following paragraph added: For all of the items listed above, the Commission hereby establishes the following procedures with regard to a Certificate of Non-Applicability. Application for said certificates may be filed during any working day with the Secretary of the Commission. Within one working day of the filing of said application, the Secretary of the Commission shall poll the members of the

Commission to obtain their judgment concerning the application. If a majority of the members of the Commission concur with the application, a Certificate of Non-Applicability shall be issued. In cases when there is doubt by a majority of the members of the Commission as to whether a Certificate of Non-Applicability or a Certificate of Appropriateness shall govern, or in cases when a majority of the members of the Commission do not concur with the application, the Secretary shall so notify the applicant within one (1) week of the time of the filing of the application and the application shall be brought before the next regular meeting of the Historical Commission.

3. Adopted February 22, 1979 — Article VII, Open Meetings and Public Hearings, paragraph two shall read as follows: The New Bedford Historical Commission shall hold a public hearing when deciding on Certificates of Appropriateness, Certificates of Non-Applicability, or Certificates of Hardship as prescribed in Article VIII, or other such purpose as the Commission deems necessary. The Commission shall give notice of such public hearings by (a) posting notification of such hearing in the Office of the New Bedford City Clerk at least fourteen (14) days prior to such hearing; (b) by advertising in the New Bedford Standard Times at least fourteen (14) days before the hearing; (c) by mailing at least fourteen (14) days before the hearing, postage prepaid, a copy of such notification to (1) applicant, (2) to the owners of all adjoining property materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, (3) to the New Bedford Planning Board, (4) to any person filing written request for notice of hearings, such request to be renewed yearly in December, and (5) to such persons as the Commission shall deem entitled to notice.

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4. Adopted March 7, 1979 — filing fee for a public hearing shall be changed from ten (\$10.00) dollars to twenty-five (\$25.00) dollars. Article VIII, Determination of Application. Also see Amendment Number 1.

5. Adopted May 2, 2001 — Article IV, Commission membership shall be amended by deleting “one (1) representative and alternate from the New Bedford Redevelopment Authority” and replacing it with “ one (1) representative and alternate from the National Park Service.”

## SECTION VI. APPENDIX

### MASSACHUSETTS HISTORIC DISTRICT ACT, MASS. GENERAL LAWS CHAPTER 40C

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#### Chapter 40C. Historic Districts

Section 1. This chapter shall be known and may be cited as the Historic Districts Act.

Section 2. The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the commonwealth and its cities and towns or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

Section 3. A city or town may, by ordinance or by-law adopted by two-thirds vote of the city council in a city or by a two-thirds vote of a town meeting in a town, establish historic districts subject to the following provisions:— Prior to the establishment of any historic district in a city or town an investigation and report on the historical and architectural significance of the buildings, structures or sites to be included in the proposed historic district or districts shall be made by an historic district study committee or by an historic district commission, as provided in this section and in section four, who shall transmit copies of the report to the planning board, if any, of the city or town, and to the Massachusetts historical commission for their respective consideration and recommendations. The buildings, structures or sites to be included in the proposed historic district may consist of one or more parcels or lots of land, or one or more buildings or structures on one or more parcels or lots of land. The Massachusetts historical commission may consult with the director of economic development, the director of housing and community development and the commissioner of environmental management with respect to such reports, and may make guidelines for such reports, and, after public hearing, establish rules as to their form and manner of transmission.

Not less than sixty days after such transmittal the study committee shall hold a public hearing on the report after due notice given at least fourteen days prior to the date thereof, which shall include a written notice mailed postage prepaid, to the owners as they appear on the most recent real estate tax list of the board of assessors of all properties to be included in such district or districts. The committee shall submit a final report with its recommendations, a map of the proposed district or districts and a draft of a proposed ordinance or by-law, to the city council or town meeting.

An historic district may be enlarged or reduced or an additional historic district in a city or town created in the manner provided for creation of the initial district, except that (a) in the case of the enlargement or reduction of an existing historic district the investigation, report and hearing shall be by the historic district commission having jurisdiction over such historic district instead of by a study committee; (b) in the case of creation of an additional historic district the investigation, report and hearing shall be by the historic district commission of the city or town, or by the historic district commissions acting jointly if there be more than one, instead of by a study committee unless the commission or commissions recommend otherwise; and (c) if the district is to be reduced written notice as above provided of the commission's hearing on the proposal shall be given to said owners of each property in the district.

Any ordinance or by-law creating an historic district may, from time to time, be amended in any manner not inconsistent with the provisions of this chapter by a two-thirds vote of the city council in a city or by a two-thirds vote of a town meeting in a town, provided that the substance of such amendment has first been submitted to the historic district commission having jurisdiction over such district for its

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recommendation and its recommendation has been received or sixty days have elapsed without such recommendation.

No ordinance or by-law creating an historic district, or changing the boundaries of an historic district, shall become effective until a map or maps setting forth the boundaries of the historic district, or the change in the boundaries thereof, has been filed with the city clerk or town clerk and has been recorded in the registry of deeds for the county or district in which the city or town is located, and the provisions of section thirteen A of chapter thirty-six shall not apply.

Section 4. An historic district study committee may be established in any city or town by vote of the city council or board of selectmen for the purpose of making an investigation of the desirability of establishing an historic district or districts therein. The study committee shall consist of not less than three nor more than seven members appointed in a city by the mayor, subject to confirmation by the city council, or in a town by the board of selectmen, including one member from two nominees submitted by the local historical society or, in the absence thereof, by the Society for the Preservation of New England Antiquities, one member from two nominees submitted by the chapter of the American Institute of Architects covering the area, and one member from two nominees of the board of realtors, if any, covering the area. If within thirty days after submission of a written request for nominees to any of the organizations herein named no such nominations have been made the appointing body may proceed to appoint the study committee without nominations by such organization.

Whenever an historic district is established as provided in section three an historic district commission shall be established which shall

consist of not less than three nor more than seven members. An historic district commission shall be appointed in a city by the mayor, subject to confirmation by the city council, or in a town by the board of selectmen, in the same manner as an historic district study committee unless (a) the report recommending its establishment recommends alternate or additional organizations to submit nominees for membership and states reasons why such alternate or additional organizations would be appropriate or more appropriate for the particular city or town, the Massachusetts historical commission does not recommend otherwise prior to the public hearing on the establishment of the district, and the ordinance or by-law so provides; or (b) there is an existing historic district commission in the city or town which the report recommends should administer the new district, and the ordinance or by-law so provides. Unless the report recommends otherwise on account of the small number of residents or individual property owners, and the ordinance or by-law so provides, the members of the historic district commission shall include one or more residents of or owners of property in an historic district to be administered by the commission. If within thirty days after submission of a written request for nominees to an organization entitled to submit nominations for membership on the commission no such nominations have been made the appointing body may proceed to make the appointment to the commission without nomination by such organization. The appointments to membership in the commission shall be so arranged that the term of at least one member will expire each year, and their successors shall be appointed in the same manner as the original appointment for terms of three years. Vacancies shall be filled in the same manner as the original appointment for the unexpired term. Ordinances or by-laws adopted hereunder may provide for the appointment of alternate members not exceeding in number the principal members who need not be from nominees of organizations entitled to nominate

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members. In case of the absence, inability to act or unwillingness to act because of self-interest on the part of a member of the commission, his place shall be taken by an alternate member designated by the chairman. Each member and alternate shall continue in office after the expiration of his term until his successor is duly appointed and qualified. All members shall serve without compensation. The commission shall elect annually a chairman and vice-chairman from its own number and a secretary from within or without its number.

Section 5. As used in this chapter the word "altered" includes the words "rebuilt", "reconstructed", "restored", "removed" and "demolished" and the phrase "changed in exterior color"; the word "building" means a combination of materials forming a shelter for persons, animals or property; the word "commission" means the commission acting as the historic district commission; the word "constructed" includes the words "built", "erected", "installed", "enlarged", and "moved"; the words "exterior architectural feature" means such portion of the exterior of a building or structure as is open to view from a public street, public way, public park or public body of water, including but not limited to the architectural style and general arrangement and setting thereof, the kind, color and texture of exterior building materials, the color of paint or other materials applied to exterior surfaces and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures; the words "person aggrieved" mean the applicant, an owner of adjoining property, an owner of property within the same historic district as property within one hundred feet of said property lines and any charitable corporation in which one of its purposes is the preservation of historic structures or districts; and the word "structure" means a combination of materials other than a building, including a sign, fence, wall, terrace, walk or driveway.

Section 6. Except as the ordinance or by-law may otherwise provide in accordance with section eight or said section eight or nine, no building or structure within an historic district shall be constructed or altered in any way that affects exterior architectural features unless the commission shall first have issued a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship with respect to such construction or alteration.

Any person who desires to obtain a certificate from the commission shall file with the commission an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, as the case may be, in such form as the commission may reasonably determine, together with such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the commission to enable it to make a determination on the application.

No building permit for construction of a building or structure or for alteration of an exterior architectural feature within an historic district and no demolition permit for demolition or removal of a building or structure within an historic district shall be issued by a city or town or any department thereof until the certificate required by this section has been issued by the commission.

Section 7. In passing upon matters before it the commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture, material and color of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area.

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In the case of new construction or additions to existing buildings or structures the commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the commission may in appropriate cases impose dimensional and set-back requirements in addition to those required by applicable ordinance or by-law. When ruling on applications for certificates of appropriateness for solar energy systems, as defined in section one A of chapter forty A, the commission shall also consider the policy of the commonwealth to encourage the use of solar energy systems and to protect solar access. The commission shall not consider interior arrangements or architectural features not subject to public view.

The commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the historic district.

Section 8. (a) Any city or town may provide in the ordinance or by-law establishing a district or in any amendment thereof that the authority of the commission shall not extend to the review of one or more of the following categories of buildings or structures or exterior architectural features in the historic district, and, in this event, the buildings or structures or exterior architectural features so excluded may be constructed or altered within the historic district without review by the commission:

(1) Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the commission may reasonably specify.

(2) Terraces, walks, driveways, sidewalks and similar structures, or any one or more of them, provided that any such structure is substantially at grade level.

(3) Walls and fences, or either of them.

(4) Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae and similar appurtenances, or any one or more of them.

(5) The color of paint.

(6) The color of materials used on roofs.

(7) Signs of not more than one square foot in area in connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one sign in connection with the nonresidential use of each building or structure which is not more than twelve square feet in area, consist of letters painted on wood without symbol or trademark and if illuminated is illuminated only indirectly; or either of them.

(8) The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

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(b) A commission may determine from time to time after public hearing that certain categories of exterior architectural features, colors, structures or signs, including, without limitation, any of those enumerated under paragraph (a), if the provisions of the ordinance or by-law do not limit the authority of the commission with respect thereto, may be constructed or altered without review by the commission without causing substantial derogation from the intent and purposes of this chapter.

(c) A city or town may provide in its ordinance or by-law, or in any amendment thereof, that the authority of the commission shall be limited to exterior architectural features within a district which are subject to view from one or more designated public streets, public ways, public parks or public bodies of water, although other portions of buildings or structures within the district may be otherwise subject to public view, and, in the absence of such provision of the ordinance or by-law, a commission may determine from time to time after public hearing that the authority of the commission may be so limited without substantial derogation from the intent and purposes of this chapter.

(d) Upon request the commission shall issue a certificate of non-applicability with respect to construction or alteration in any category then not subject to review by the commission in accordance with the provisions of paragraph (a), (b) or (c).

Section 9. Nothing in this chapter shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature within an historic district which does not involve a change in design, material, color or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized

public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of the applicable historic district ordinance or by-law.

Section 10. The commission shall have the following additional powers, functions and duties: —(a) If the commission determines that the construction or alteration for which an application for a certificate of appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the historic district, the commission shall cause a certificate of appropriateness to be issued to the applicant. In the case of a disapproval of an application for a certificate of appropriateness the commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefor as set forth in the records of the commission, to be issued to the applicant, and the commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material and similar features. Prior to the issuance of any disapproval the commission may notify the applicant of its proposed action accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the commission. If within fourteen days of the receipt of such a notice the applicant files a written modification of his application in conformity with the recommended changes of the commission, the commission shall cause a certificate of appropriateness to be issued to the applicant.

(b) In the case of a determination by the commission that an application for a certificate of appropriateness or for a certificate of non-applicability does not involve any exterior architectural feature, or involves an exterior architectural feature which is not then subject to

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review by the commission in accordance with the provisions of section eight, the commission shall cause a certificate of non-applicability to be issued to the applicant.

(c) If the construction or alteration for which an application for a certificate of appropriateness has been filed shall be determined to be inappropriate, or in the event of an application for a certificate of hardship, the commission shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the historic district generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this chapter. If the commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, or in the event of failure to make a determination on an application within the time specified in section eleven, the commission shall cause a certificate of hardship to be issued to the applicant.

(d) Each certificate issued by the commission shall be dated and signed by its chairman, vice-chairman, secretary or such other person designated by the commission to sign such certificates on its behalf.

(e) The commission shall keep a permanent record of its resolutions, transactions, and determinations and of the vote of each member participating therein, and may adopt and amend such rules and regulations not inconsistent with the provisions of this act and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business. The commis-

sion shall file a copy of any such rules and regulations with the city or town clerk.

(f) The commission shall file with the city or town clerk and with any department of the city or town having authority to issue building permits a copy or notice of all certificates and determinations of disapproval issued by it.

(g) A commission may after public hearing set forth in such manner as it may determine the various designs of certain appurtenances, such as light fixtures, which will meet the requirements of an historic district and a roster of certain colors of paint and roofing materials which will meet the requirements of an historic district, but no such determination shall limit the right of an applicant to present other designs or colors to the commission for its approval.

(h) The commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work, and may accept money gifts and expend the same for such purposes. The commission may administer on behalf of the city or town any properties or easements, restrictions or other interests in real property which the city or town may have or may accept as gifts or otherwise and which the city or town may designate the commission as the administrator thereof.

(i) The commission shall have, in addition to the powers, authority and duties granted to it by this act, such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of the city council or town meeting.

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Section 11. Meetings of a commission shall be held at the call of the chairman and shall be called at the request of two members of the commission and in such other manner as the commission shall determine in its rules. A majority of the members of a commission shall constitute a quorum. The concurring vote of a majority of the members of the commission shall be necessary to issue a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship.

A commission shall determine promptly, and in all events within fourteen days after the filing of an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, as the case may be, whether the application involves any exterior architectural features which are subject to approval by the commission. If a commission determines that such application involves any such features which are subject to approval by the commission the commission shall hold a public hearing on such application unless such hearing is dispensed with as hereinafter provided.

The commission shall fix a reasonable time for the hearing on any application and shall give public notice of the time, place and purposes thereof at least fourteen days before said hearing in such manner as it may determine, and by mailing, postage prepaid, a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the commission to be materially affected thereby as they appear on the most recent real estate tax list of the board of assessors, to the planning board of the city or town, to any person filing written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the commission shall deem entitled to notice.

As soon as convenient after such public hearing but in any event within sixty days after the filing of the application, or such lesser period as the ordinance or by-law may provide, or within such further time as the applicant may allow in writing, the commission shall make a determination on the application. If the commission shall fail to make a determination within such period of time the commission shall thereupon issue a certificate of hardship.

A public hearing on an application need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application may be waived by the commission if the commission determines that the exterior architectural feature involved or its category or color, as the case may be, is so insubstantial in its effect on the historic district that it may be reviewed by the commission without public hearing on the application, provided, however, that if the commission dispenses with a public hearing on an application notice of the application shall be given to the owners of all adjoining property and other property deemed by the commission to be materially affected thereby as above provided and ten days shall elapse after the mailing of such notice before the commission may act upon such application.

Section 12. A city or town may provide in its ordinance or by-law or in any amendment thereof, for a review procedure whereby any person aggrieved by a determination of the commission may, within twenty days after the filing of the notice of such determination with the city or town clerk, file a written request with the commission for a review by a person or persons of competence and experience in such matters, designated by the regional planning agency of which the city or town is a member. If the city or town is not a member of a regional planning agency, the department of community affairs shall select the appropriate regional planning agency.

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The finding of the person or persons making such review shall be filed with the city or town clerk within forty-five days after the request, and shall be binding on the applicant and the commission, unless a further appeal is sought in the superior court as provided in section twelve A.

Section 12A. Any person aggrieved by a determination of the commission, or by the finding of a person or persons making a review, if the provisions of section twelve are included in a local ordinance or by-law, may, within twenty days after the filing of the notice of such determination or such finding with the city or town clerk, appeal to the superior court sitting in equity for the county in which the city or town is situated. The court shall hear all pertinent evidence and shall annul the determination of the commission if it finds the decision of the commission to be unsupported by the evidence or to exceed the authority of the commission, or may remand the case for further action by the commission or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the commission unless it shall appear to the court that the commission acted with gross negligence, in bad faith or with malice in the matter from which the appeal was taken. Costs shall not be allowed against the party appealing from such determination of the commission unless it shall appear to the court that such party acted in bad faith or with malice in making the appeal to the court.

Section 13. The superior court sitting in equity for the county in which the city or town is situated shall have jurisdiction to enforce the provisions of this chapter and any ordinance or by-law enacted hereunder and the determinations, rulings and regulations issued pursuant

thereto and may, upon the petition of the mayor or of the board of selectmen or of the commission, restrain by injunction violations thereof; and, without limitation, such court may order the removal of any building, structure or exterior architectural feature constructed in violation thereof, or the substantial restoration of any building, structure or exterior architectural feature altered or demolished in violation thereof, and may issue such other orders for relief as may be equitable.

Whoever violates any of the provisions of this chapter shall be punished by a fine of not less than ten dollars nor more than five hundred dollars. Each day during any portion of which a violation continues to exist shall constitute a separate offense.

Section 14. If the city council or town meeting so votes a commission established hereunder shall have the powers and duties of an historical commission as provided in section eight D of chapter forty and, in this event, a commission may be entitled an historical commission.

Section 15. All ordinance or by-laws creating an historic district adopted by a city or town under authority of this chapter and under authority of any special law, unless the special law shall otherwise provide, amendments thereto, maps of historic districts created thereunder, and annual reports and other publications of commissions, and rosters of membership therein, shall be filed with the Massachusetts historical commission.

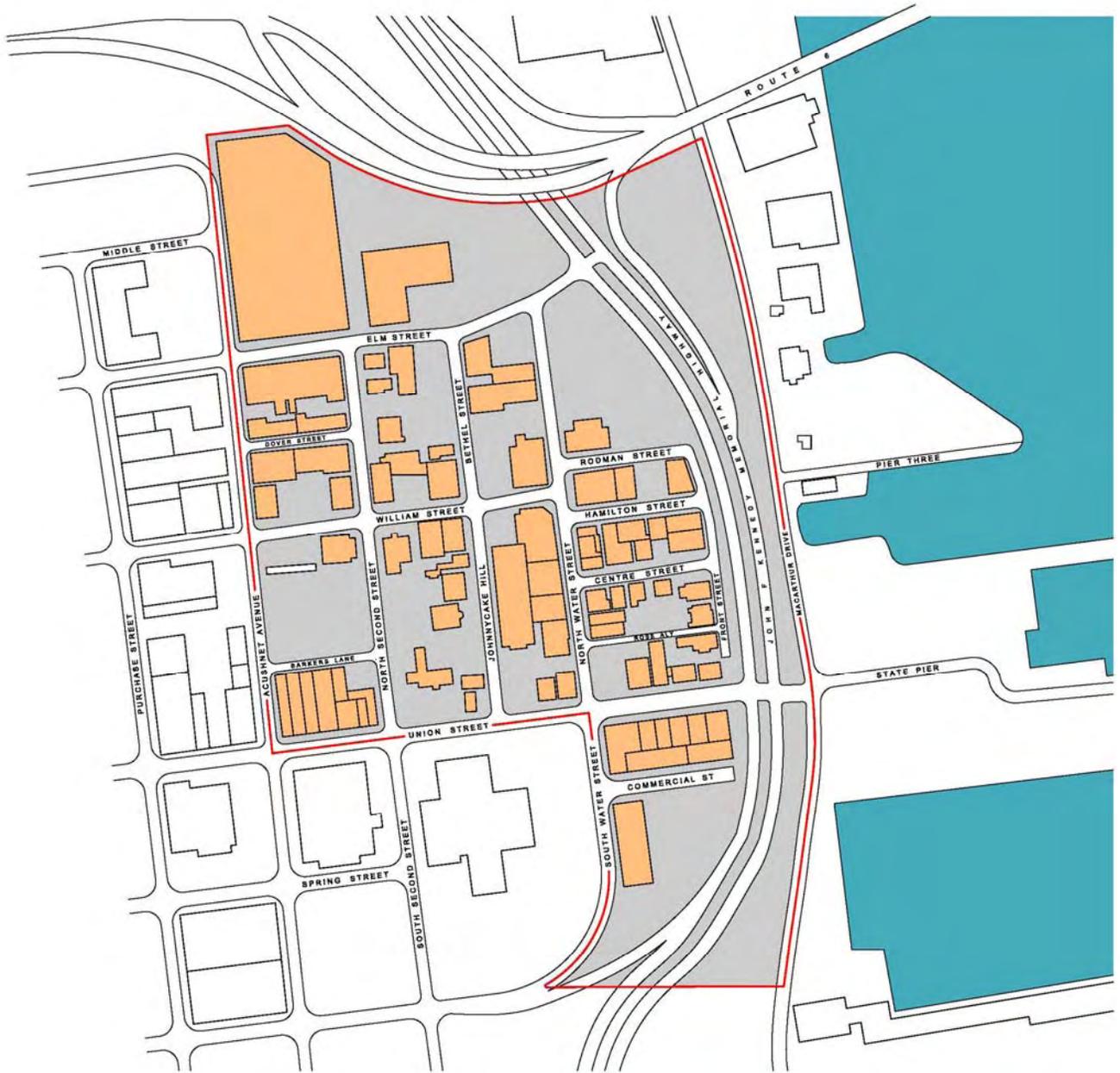
Section 16. A city or town in which there is located an historic district established under a special law may, upon recommendation of the historic district commission having jurisdiction over such district, accept the provisions of this chapter with respect to such district by a two-thirds vote of the city council in a city or by

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two-thirds vote of a town meeting in a town, and thereafter such historic district shall be subject to the provisions of this chapter notwithstanding the terms of any special act pursuant to which such historic district was created. The provisions of this chapter shall not impair the validity of an historic district established under any special act.

Section 17. The provisions of this chapter shall be deemed to be severable. If any of its provisions shall be held to be invalid or unconstitutional by any court of competent jurisdiction the remaining provisions shall continue in full force and effect.

# BEDFORD-LANDING WATERFRONT HISTORIC DISTRICT MAP



## LEGEND

DISTRICT BOUNDARY



BUILDING FOOTPRINT